IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

WP(C).No. 25251 of 2007(F)

OS.221/2002 of MUNSIFF COURT,ATTINGAL

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PETITIONER:

SYAMALA AMMA, D/O.KAMALAMMA, RESIDING
AT VIJESH BHAVAN, MUTTAPPALAM DESOM,
AZHOOR VILLAGE.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI.RAJAN VELLOTH
SRI.SAIJO HASSAN
SRI.A.S.SABU

RESPONDENTS:

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1. VASANTHA, D/O.VISALAKSHI AMMA,
SYAM NIVAS, MUTTAPPALAM DESOM,
AZHOOR VILLAGE.

2. MOHAN, S/O.CHELLAPPAN PILLAI,
LAKSHMI BHAVAN, MARANGATTUKONAM,
AZHOOR VILLAGE.

3. SISUPALAN, S/O.MADHAVAN PILLAI,
THETTINCHIRA THOTTANTHIL VEED,
AZHOOR VILLAGE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C).No. 25251 OF 2007 F

Dated this the 20th August, 2007.

JUDGMENT

This writ petition is filed against the dismissal of the review order in I.A.371/'07. I.A.371/07 was filed to examine Advocate Commissioner Shri. S.Shameel who inspected the property in O.S.314/02. According to the learned counsel for the writ petitioner the plan/sketch and report submitted by the said commissioner is relevant for the purpose of disposal of O.S.221/02. The learned counsel would contend that the party will be able to establish the incorrectness of the present commissioner's report if the commissioner in the other case is examined and the report and sketch/plan produced by him is marked in the case. I feel opportunity should not be denied at the trial stage when a request is made in that direction. Therefore, I set aside the order passed in the review application as well as in I.A.371/07 and direct the court below to permit the writ petitioner to examine Adv.S. Shameel, the Commissioner in O.S.314/02 for the limited purpose of proving the plan/sketch and report submitted by him in that case. I make it very clear nothing extraneous to that can be put to

him as a commissioner witness of the court. Writ petition is disposed of accordingly.

M.N.KRISHNAN
Judge

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